

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: New York City Policing During
Summer 2020 Demonstrations

CIVIL ACTION NO. 20 Civ. 8924
(CM)(GWG)

This filing is related to:
ALL CASES

**STIPULATION AND [PROPOSED]
ORDER**

Plaintiffs, Defendants, and Union-Intervenors jointly stipulate that if the Court grants the parties' requested 60-day extension of the discovery schedule (Dkt No. 716), the parties will limit discovery as follows during the 60-day stay period ("stay period"):

1. All depositions will be stayed during the stay period, except for any deposition scheduled to occur one day after the start of the stay period.
2. The parties will continue to schedule depositions during the stay period so that they can resume consistent with the pace set forth in the Court's order on depositions (Dkt. No. 679) if no resolution is reached. The parties will re-start depositions consistent with the Court's orders (Dkt. Nos. 679 and 670) within one week of the stay period expiring. To accomplish this schedule, the City will provide to the other parties, within 45 days of the stay commencing, deposition dates (with at least one alternative date of availability for each deponent) for ten deponents to be deposed within a two-week period starting one week after the stay expires. The City will continue to provide deposition dates thereafter at a pace consistent with the Court's Order in Dkt. No. 679. Both parties will provide pre-deposition discovery consistent with the Court's rulings in Dkt. Nos. 457 and 670.

3. No party will serve new written discovery requests during the stay period, with one agreed-upon exception. The parties agree that the Office of the Attorney General (“OAG”) is permitted to serve written discovery requests regarding disciplinary records that were raised at a meet and confer and follow-up communications between OAG and the City on July 25-27, 2022.

4. The parties will respond to any written discovery requests served before the stay period and will address any deficiencies related to written discovery raised before the stay period, with the following exceptions:

- a. In regards to the sampling proposal raised by Plaintiffs on July 25, 2022 (see email from Remy Green, 10:43 am), Defendant City agrees to provide a 95/5 sample for each of the four categories requested, subject to a privilege review, which will be produced at a date to be determined after the stay has been lifted. Any discovery on the sampling request shall be stayed for the duration of the stay period.
- b. The parties agree that if Plaintiffs file a motion to compel regarding the City’s responses to Plaintiffs’ requests to admit, Plaintiffs consent to a two-week extension for the City to respond to that motion regardless of whether the Court grants the requested stay. If the Court grants the requested stay, the parties agree the City’s response would not be due until two weeks after the expiration of the stay period.
- c. Plaintiffs will not send any deficiency letters related to the Union’s discovery responses until after the Court acts on this Stipulation and, if this Stipulation is approved by the Court, will refrain from sending any deficiency letters related to the Union’s discovery responses until the stay period expires.

Unions likewise will not send any deficiency letters related to Plaintiffs' discovery responses until after the Court acts on this Stipulation and, if this Stipulation is approved by the Court, will refrain from sending any deficiency letters related to the Plaintiffs' discovery responses until the stay period expires.

5. For any discovery issues raised before the stay period (except those in Paragraphs 4a-b), nothing prevents any party from seeking to address the dispute consistent with the Court's Individual Rules and Dkt. Nos. 317 and 490. The parties agree, however, that in furtherance of the good-faith negotiation process they are currently engaged in via mediation, they will work together in good faith to avoid unnecessarily burdening the Court with discovery issues during the stay period.

6. Nothing prevents any party from seeking to enforce this Stipulation during the stay period.

Dated: New York, New York
August 4, 2022

STIPULATED AND AGREED:

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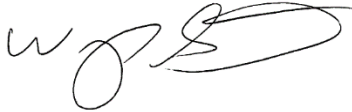
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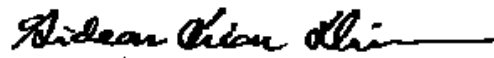
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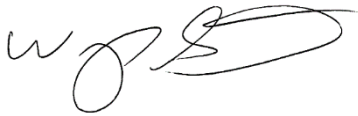
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SO ORDERED:

Dated: _____
New York, New York

Hon. Gabriel Gorenstein